



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/394,264 09/10/99 MORTON

10286/008001

P. LOUIS MYERS ESQ
FISH & RICHARDSON PC
225 FRANKLIN STREET
BOSTON MA 02110-2804

0232/0929



ASSIGNED

1643

DATE MAILED:

09/29/99

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file a sequence listing in compliance with 37 CFR 1.821 - 1.825 to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☒ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- ☐ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For PatentIn software help, call (703) 308-6856.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

Sequence
9/29/99
10/29/99
3/29/2000
1/2/01



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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09/394,264 09/10/99 MORTON

10286/008001

P LOUIS MYERS ESQ
FISH & RICHARDSON PC
225 FRANKLIN STREET
BOSTON MA 02110-2804



NOT ASSIGNED

1643

DATE MAILED:

09/29/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 660

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 380 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 72 for 8 total claims over 20.
\$ 78 for 2 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

02/04/2000 NHASSANI 00000083 09394264

01 FC:205
02 FC:203
03 FC:202

65.00 DP
72.00 DP
78.00 DP

Repln. Ref: 02/14/2000 NYILLARI 0009513408
Date: 06/10/50 Name/Number: 09394264
FC: 704



#3

PATENT

ATTORNEY DOCKET NO. 10286/008W01

IN THE UNITED STATES RECEIVING OFFICE (US/RO)

Applicant : Brigham & Women's Hospital
Serial No.: PCT/US99/22645
Filed : September 29, 1999
Title : NOVEL COCHLEAR GENE COCH5B2 AND USES THEREOF

Box PCT

Commissioner of Patents and Trademarks
Washington, DC 20231

VERIFIED STATEMENT UNDER 37 CFR § 1.821 (f)

I, Maureen Ruttle, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Nov 30, 1999

Maureen Ruttle
Maureen Ruttle

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

Telephone: 617/542-5070
Facsimile: 617/542-8906

First Class

~~"EXPRESS MAIL"~~ Mailing Label Number _____

Date of Deposit January 27, 2000
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as ~~"Express Mail-Post Office To Addressee"~~ with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

First Class
Mail

Anne M. Guerra
Anne M. Guerra



Attorney's Docket No.: 10286-008001 / BWH #523 - Cynt

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cynthia Morton et al. Art Unit : 1643
Serial No. : 09/394,264 Examiner : Unknown
Filed : September 10, 1999
Title : A NOVEL COCHLEAR GENE COCH5B2 AND USES THEREFOR

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

In response to the communication dated September 29, 1999, applicant submits herewith a Sequence Listing in computer readable form as required by 37 CFR §1.824. In addition, applicant submits a Sequence Listing as required under 37 CFR §1.823(a) and a statement under 37 CFR §1.821(f).

I hereby state that this submission, filed in accordance with 37 CFR §1.821(g), does not contain new matter.

Respectfully submitted,

Date:

22 Nov 00

P. Louis Myers
Reg. No. 35,965

/axg

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20021443.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

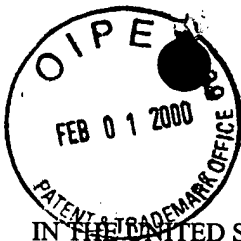
Date of Deposit

January 27, 2000

Signature

Anne M. Guerra

Typed or Printed Name of Person Signing Certificate



Attorney's Docket No.: 10286-008001 / BWH #523 - Cynt

SECTOR #3
BORSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cynthia Morton et al.
Serial No. : 09/394,264
Filed : September 10, 1999
Title : A NOVEL COCHLEAR GENE COCH5B2 AND USES THEREFOR

Art Unit : 1643
Examiner : Unknown

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

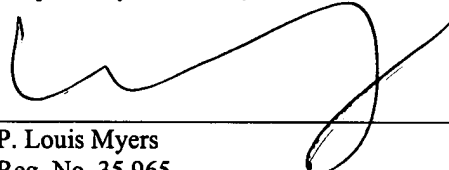
Responsive to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed September 29, 1999 (a copy of which is enclosed), applicant as a small entity submits herewith the following:

- ☒ Payment of the basic filing fee of \$345;
- ☒ Payment of the surcharge of \$65 for late filing of the basic filing fee and/or declaration;
- ☒ A Petition for Extension of Time for two months (small entity) and fee of \$190;
- ☒ A check in the total amount of \$600 is attached;
- ☒ A Verified Statement Claiming Small Entity Status; and
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 27 Jan 00


P. Louis Myers
Reg. No. 35,965

/axg
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
20021423.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

January 27, 2000
Date of Deposit

Anne M. Guerra
Signature

Anne M. Guerra
Typed or Printed Name of Person Signing Certificate